

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**INTELLECTUAL VENTURES I LLC AND
INTELLECTUAL VENTURES II, LLC,**

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 4:24-cv-00980

JURY TRIAL

**NOTICE REGARDING DEFENDANT AMERICAN AIRLINES INC.'S MOTION TO
SEVER AND STAY CLAIMS AGAINST IN-FLIGHT CONNECTIVITY SYSTEMS**

Defendant American Airlines, Inc. (“American”) respectfully submits this Notice Regarding American’s Motion to Sever and Stay Claims Against In-Flight Connectivity Systems Based on the Customer-Suit Exception (“Motion to Sever and Stay”) (Dkt. 20). As fully set forth in the Motion to Sever and Stay, Viasat, Inc. filed a declaratory judgment action in the District of Delaware seeking a declaration that its in-flight connectivity systems does not infringe two of Intellectual Ventures’ asserted patents in this action: U.S. Patent Nos. 7,324,469 (the “’469 Patent”) and 8,027,326 (the “’326 Patent”). *Viasat, Inc. v. Intellectual Ventures*, No. 25-56 (D. Del. Jan. 14, 2025) (the “Viasat Action”). On February 14, 2025, American filed its Motion to Sever and Stay, requesting that the Court sever and stay Intellectual Ventures’ claims related to the Viasat systems under the customer-suit exception.

On July 11, 2025, the District of Delaware held a hearing on Intellectual Ventures’ motion to dismiss the Delaware Action, and Viasat’s motion for a preliminary injunction barring Intellectual Ventures from pursuing Viasat’s customers, including American. *See Viasat Action*, D.I. 60. During that hearing, Chief Judge Connolly denied Intellectual Ventures’ motion to dismiss

the Delaware Action, finding that the issues before the District of Delaware “go[] beyond the in-flight connectivity systems that are at issue in the litigation in Texas,” and recognizing there were “great judicial efficiencies with us litigating these, whether or not the Viasat system infringes the two patents in question.” Exhibit A at 114:6–8, 115:3–5.

Judge Connolly denied Viasat’s motion for a preliminary injunction, stating as follows:

I happen to know Judges Albright and Mazzant. **I think the case should be here, and that's the most judicial efficient way to handle the case. So I've said it on the record, and you all can bring it to their attention in Texas, and I can get on the phone with them.** And I totally respect them, and if they think they want to go forward, and there could be really good reasons to go forward, in part, but on the two patents that have been asserted [the '469 and '326 Patents], I do think it make most sense to litigate them here in Delaware, and I'm prepared to do it. All right? I just don't see, I think there's too much respect among the three judges, and I think we're all going to want to achieve judicial economy. And it strikes me that **as far as at least the two patents that have been asserted here, it makes most sense to proceed here with those.**

See Exhibit A at 119:21 to 120:14 (emphasis added). American respectfully requests the Court take notice of Judge Connolly’s statements, which bear directly on American’s Motion to Sever and Stay. American is available should the Court have any questions.

Dated: July 17, 2025

McKool Smith, P.C.

/s/ John B. Campbell

John B. Campbell

Texas State Bar No. 24036314

jcampbell@McKoolSmith.com

Kenneth M. Scott

Texas State Bar No. 24137497

kscott@McKoolSmith.com

McKool Smith, P.C.

303 Colorado Street Suite 2100

Austin, TX 78701

Telephone: (512) 692-8700

Telecopier: (512) 692-8744

Casey L. Shomaker

Texas State Bar No. 24110359

cshomaker@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court Suite 1200

Dallas, TX 75201

Telephone: (214) 978-4218

Telecopier: (214) 978-4044

Emily Tannenbaum

New York State Bar No. 5928130

McKool Smith, P.C.

1301 Avenue of the Americas, 32nd Floor

New York, NY 10019

Telephone: (212) 402-9400

Telecopier: (212) 402-9444

Alan P. Block

California State Bar No. 143783

ablock@mckoolsmith.com

McKool Smith, P.C.

300 South Grand Avenue, Suite 2900

Los Angeles, CA 90071

Telephone: (213) 694-1054

Telecopier: (213) 694-1234

ATTORNEYS FOR AMERICAN
AMERICAN AIRLINES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on July 17, 2025.

/s/ John B. Campbell
John B. Campbell